

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

HERBERT R. LEWIS, JR.,)
Plaintiff,)
-vs-) Case No. CIV-15-1256-F
STATE OF OKLAHOMA, et al.,)
Defendants.)

ORDER

Magistrate Judge Charles B. Goodwin issued a Report and Recommendation in this action, which is brought under 42 U.S.C. § 1983 by plaintiff Herbert R. Lewis, Jr., a state pretrial detainee appearing pro se. Doc. no. 12 (the Report).

The Report concludes that before plaintiff conditionally filed this action, he had acquired three strikes pursuant to 28 U.S.C. § 1915(g). The Report concludes that plaintiff is therefore not entitled to proceed in forma pauperis absent a showing that he is in imminent danger of serious physical injury, a criterion which nothing in plaintiff's filings alleges or suggests applies. The Report recommends that the court: 1) deny plaintiff's application for leave to proceed in forma pauperis (doc. no. 7); 2) order plaintiff to pay the full \$400 filing fee within twenty-one days of any order adopting the Report; and 3) dismiss this action without prejudice if plaintiff fails to timely pay the filing fee or show good cause for the failure to do so.

Plaintiff objects to the Report. Doc. no. 15. The objection does not take issue with specific findings or recommendations. Rather, plaintiff states a number of objections which apply to the Report as a whole. For example, plaintiff argues that he is at a disadvantage because of his lack of legal training; plaintiff argues that

constitutional and civil rights are being infringed; and plaintiff asks the court for its help in bringing about “righteous change in the judicial system.” Doc. no. 15, p. 2.

In light of plaintiff’s objection, all aspects of the Report have been reviewed de novo. Having completed that review, the court finds that no purpose would be served by any additional analysis here.

Plaintiff’s objection to the Report is **DENIED**. The Report and Recommendation of the Magistrate Judge is **ACCEPTED, ADOPTED** and **AFFIRMED**. As recommended in the Report, plaintiff’s amended application for leave to proceed in forma pauperis is **DENIED**. Plaintiff is hereby **ORDERED** to pay the full \$400 filing fee to the Clerk of this Court within twenty-one days of the date of this order. If, within twenty-one days, plaintiff has not paid the filing fee to the Clerk of this Court or shown good cause for the failure to do so, the court will, at that time, dismiss this action without prejudice to refiling.

Dated this 4th day of May, 2016.



STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE

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